

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR

**In the Matter of the Request for the  
Removal of Kwame M. Kilpatrick  
from the Office of Mayor of the City  
of Detroit**

**No. EO-2008-004-LO  
Hon. Jennifer M. Granholm**

---

**ORDER GRANTING IN PART RESPONDENT'S REQUEST  
TO EXTEND SCHEDULE**

WHEREAS, at my direction and by letter dated July 1, 2008 and sent via facsimile and regular mail, my legal counsel advised counsel of record in this matter of the following schedule for the resolution of preliminary legal issues:

1. A party wishing to raise and seek resolution of a relevant legal issue prior to a hearing on the merits of the removal request shall do so in a written motion accompanied by a brief citing the authority on which it is based; any such motion and brief shall be served and filed on or before August 1, 2008;
2. A party may respond to another party's motion and brief by serving and filing a response brief on or before August 22, 2008;
3. A moving party may serve and file a reply brief only to address any new matters raised in the opposing party's response brief on or before September 5, 2008.

WHEREAS, at my direction and by letter dated July 28, 2008 and sent via facsimile and regular mail, my legal counsel advised counsel of record in this matter that it is in the public interest to accelerate the briefing schedule previously established such that the aforementioned filing deadlines of August 22, 2008 and

September 5, 2008 are now changed to August 15, 2008 and August 22, 2008, respectively, and that a hearing is set for September 3, 2008, should one be warranted.

WHEREAS, on July 30, 2008 at 4:57 p.m., counsel for respondent submitted by facsimile a letter to my legal counsel requesting a “minimum of 60 days” extension “for the filing of [respondent’s] motions and briefs on the legal issues.” In support of her request for an extension, respondent’s counsel asserted the following in relevant part:

- (i) the Mayor’s office was closed for two weeks due to a fire in the Coleman A. Young Municipal Center Building, precluding counsel from retrieving the documents needed to prepare the required pleadings;
- (ii) respondent’s co-counsel had planned to file a motion to extend the filing deadlines during the week of July 19<sup>th</sup> but was precluded from doing so due to the demands of the “numerous cases that concern the allegations raised by the City Council here”; and
- (iii) the demands of respondent’s counsel’s other responsibilities “make it very difficult to schedule time for preparation and attendance at the hearing before the Governor.”

WHEREAS, the Coleman A. Young Municipal Building was closed only from June 27, 2008 until July 9, 2008 following a lightning strike and fire, thereby failing to justify respondent’s counsel’s alleged inability from July 9, 2008 to the present to comply with the current briefing schedule.

WHEREAS, at least as of June 24, 2008, respondent’s counsel was aware that the Detroit City Council’s forfeiture proceedings, originally scheduled to begin July

7, 2008, had been adjourned until August 18, 2008, thereby failing to justify respondent's counsel's alleged inability to comply with the current briefing schedule due to responsibilities in that case.

WHEREAS, respondent's co-counsel is one of at least four attorneys representing respondent in the criminal proceedings referenced in respondent's counsel's request for an extension, thereby failing to justify respondent's co-counsel's alleged inability to comply with the current briefing schedule due to responsibilities in that case.

WHEREAS, respondent's counsel has failed to establish good cause for her requested 60-day extension of the briefing schedule in this matter.

WHEREAS, the public interest requires that this matter be resolved fairly but without undue delay.

IT IS THEREFORE ORDERED that the present briefing schedule is hereby modified as follows:

1. A party wishing to raise and seek resolution of a relevant legal issue prior to a hearing on the merits of the removal request shall do so in a written motion accompanied by a brief citing the authority on which it is based; any such motion and brief shall be served and filed on or before August 6, 2008;
2. A party may respond to another party's motion and brief by serving and filing a response brief, on or before August 20, 2008;

3. A moving party may serve and file a reply brief only to address any new matters raised in the opposing party's response brief on or before August 25, 2008.
4. The date for the hearing tentatively scheduled for September 3 shall not be extended.
5. No further extensions of time shall be permitted.



---

**JENNIFER M. GRANHOLM**  
**GOVERNOR**

Dated: July 31, 2008